



April 4, 2003

ENGROSSED HOUSE BILL No. 1271

DIGEST OF HB 1271 (Updated April 1, 2003 2:36 PM - DI 106)

Citations Affected: IC 34-30.

Synopsis: Immunity for defibrillator instructors. Grants immunity from civil liability to certain licensed physicians or the instructor of a person who renders emergency care using an automatic external defibrillator, if the licensed physician or instructor's act or omission does not amount to gross negligence or willful or wanton misconduct.

Effective: July 1, 2003.

Mays, Brown T, Bardon, Torr

(SENATE SPONSOR — HERSHMAN)

January 13, 2003, read first time and referred to Committee on Judiciary.
February 24, 2003, amended, reported — Do Pass.
February 27, 2003, read second time, ordered engrossed. Engrossed.
March 3, 2003, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

March 4, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.
April 3, 2003, reported favorably — Do Pass.

C
o
p
y

EH 1271—LS 7048/DI 47+



April 4, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1271

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-30-12-1, AS AMENDED BY P.L.1-1999,
2 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 1. (a) This section does not apply to services
4 rendered by a health care provider (as defined in IC 34-18-2-14 or
5 IC 27-12-2-14 before its repeal) to a patient in a health care facility (as
6 defined in IC 27-8-10-1).
7 (b) Except as provided in subsection (c), a person who comes upon
8 the scene of an emergency or accident or is summoned to the scene of
9 an emergency or accident and, in good faith, gratuitously renders
10 emergency care at the scene of the emergency or accident is immune
11 from civil liability for any personal injury that results from:
12 (1) any act or omission by the person in rendering the emergency
13 care; or
14 (2) any act or failure to act to provide or arrange for further
15 medical treatment or care for the injured person;
16 except for acts or omissions amounting to gross negligence or willful
17 or wanton misconduct.

EH 1271—LS 7048/DI 47+



C
o
p
y

(c) This subsection applies to a person to whom IC 16-31-6.5 applies. A person who gratuitously renders emergency care involving the use of an automatic external defibrillator is immune from liability for any act or omission not amounting to gross negligence or willful or wanton misconduct if the person fulfills the requirements set forth in IC 16-31-6.5.

(d) This subsection applies to an individual, business, or organization to which IC 16-31-6.5 applies. An individual, business, or organization that allows a person who is an expected user to use an automatic external defibrillator of the individual, business, or organization to in good faith gratuitously render emergency care is immune from civil liability for any damages resulting from an act or omission not amounting to gross negligence or willful or wanton misconduct by the user or for acquiring or providing the automatic external defibrillator to the user for the purpose of rendering the emergency care if the individual, business, or organization and the user fulfill the requirements set forth in IC 16-31-6.5.

(e) The licensed physician who gives medical direction in the use of a defibrillator under IC 16-31-6.5-4 or a national or state approved defibrillator instructor of a person who gratuitously renders emergency care involving the use of an automatic external defibrillator is immune from civil liability for any act or omission of the licensed physician or instructor if:

- (1) the act or omission of the licensed physician or instructor:**
 - (A) involves the training for or use of an automatic external defibrillator; and**
 - (B) does not amount to gross negligence or willful or wanton misconduct; and**
- (2) the licensed physician or instructor fulfills the requirements of IC 16-31-6.5.**

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1271, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 18, delete "medical director" and insert **"licensed physician who gives medical direction in the use of a defibrillator under IC 16-31-6.5-4"**.

Page 2, line 18, after "or" insert **"a national or state approved defibrillator"**.

Page 2, line 21, delete "medical director" and insert **"licensed physician"**.

Page 2, line 22, delete "medical director" and insert **"licensed physician"**.

Page 2, line 27, delete "medical director" and insert **"licensed physician"**.

and when so amended that said bill do pass.

(Reference is to HB 1271 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 13, nays 0.

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred House Bill No. 1271, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1271 as printed February 25, 2003.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 0.

C
o
p
y

EH 1271—LS 7048/DI 47+

